



MEMORANDUM

Agenda Item No. 7(K)(1)(D)

TO: Honorable Chairperson Barbara Carey-Shuler, Ed.D.
and Members, Board of County Commissioners

DATE: March 16, 2004

FROM: George M. Burgess
County Manager

SUBJECT: **Approval of a Resolution in
Support of Publix Super
Markets, Inc. Request for a
State of Florida Brownfield
Redevelopment Bonus Refund
While Opting Out of the Local
Match**

RECOMMENDATION

It is recommended that the Board of County Commissioners approve Publix Super Markets, Inc. request for State of Florida Brownfield Redevelopment Bonus Refund with Miami-Dade County opting out of the local match. The store is located at 14641 Biscayne Boulevard, Miami, Florida, 33181.

BACKGROUND

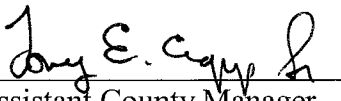
The State of Florida created the Brownfield Redevelopment Bonus Refund Program by Section 288.107 of the Florida Statutes (see attachment 1). The Brownfield Redevelopment Bonus is available to encourage redevelopment and job creation within designated brownfield areas. Pre-approved applicants receive tax refunds of up to \$2,500 per new job created. The amount of the refund is equal to 20% of the average annual wage of the new jobs created. Refunds are based on taxes paid by the business, including corporate income, sales, ad valorem, intangible personal property, insurance premium, and certain other taxes. No more than 25% of the total refund approved may be paid in any single fiscal year.

To qualify, an applicant must locate the business within a Brownfield area and: 1) Be certified as a QTI business as defined in Section 288.106, Florida Statutes (attachment 2), or 2) Be a business that can demonstrate a fixed capital investment of at least \$2 million in mixed-use business activities in a brownfield area, including multi-unit housing, commercial, retail, and industrial; 3) Create at least ten (10) new Florida full-time jobs with benefits, excluding construction and site remediation jobs; 4) Show that the project will diversify and strengthen the economy of the area surrounding the site; 5) Show that the project will promote capital investment in the area beyond that contemplated for the rehabilitation of the site; and 6) Provide a resolution from the city or county commission recommending the applicant for the incentive and, at the option of the city or county, committing the community to provide a local match of 20% of the tax refund. If a community elects to be exempt from the local match requirement, the applicant is only eligible for 80% of the refund. The local match exemption must be requested in a resolution of the governing authority.

Publix Super Markets, Inc., with headquarters in Lakeland, Florida, operates over 600 stores in Florida. Seven (7) of the eight (8) distribution centers and two (2) of three (3) manufacturing facilities are also located in Florida. Publix Super Markets, Inc. has grown into a Fortune 500 company, is one of the fastest growing employee-owned companies in the United State, the largest employee-owned supermarket chain in the United States, and one of the ten largest-volume supermarket chains in the United States. FY 2002 retail sales reached \$15.9 billion and third quarter of FY 2003 reached approximately \$4.1 billion, a 5.8% increase from previous year.

Publix Super Markets, Inc. will construct a 44,840 square-foot grocery store in North Miami Beach. The company has demonstrated it will make 1) a fixed capital investment of \$3,460,033 which exceeds the \$2,000,000 requirement; 2) it will create 100 full time jobs which also exceeds the 10 full time job creation requirement; 3) it will diversify and strengthen the economy of the surrounding area by the construction of a building that diversifies the area's mix by adding a retail-grocery store, complementing a Target Department Store, and COSTCO wholesale food supply store adjacent to it; Publix Super Markets, Inc. in executing all of the aforementioned, will promote capital investment in the area beyond what is required.

Attachments


Assistant County Manager



MEMORANDUM

(Revised)

TO: Hon. Chairperson Barbara Carey-Shuler, Ed.D.
and Members, Board of County Commissioners

DATE: March 16, 2004

FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Agenda Item No. 7(K)(1)(D)

Please note any items checked.

- _____ "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- _____ 6 weeks required between first reading and public hearing
- _____ 4 weeks notification to municipal officials required prior to public hearing
- _____ Decreases revenues or increases expenditures without balancing budget
- _____ Budget required
- _____ Statement of fiscal impact required
- _____ Bid waiver requiring County Manager's written recommendation
- _____ Ordinance creating a new board requires detailed County Manager's report for public hearing
- _____ Housekeeping item (no policy decision required)
- _____ No committee review

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 7(K)(1)(D)
3-16-04

RESOLUTION NO. _____

RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS, THE GOVERNING BOARD OF MIAMI-DADE COUNTY, FLORIDA, RECOMMENDING THAT PUBLIX SUPER MARKETS, INC. BE APPROVED AS A QUALIFIED APPLICANT PURSUANT TO SECTION 288.107, FLORIDA STATUTES; REQUESTING A WAIVER OF LOCAL FINANCIAL SUPPORT; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, copies of which are incorporated herein by reference; and

WHEREAS, the business under consideration is retail - grocery, specifically, Publix Super Markets, Inc.; and

WHEREAS, Publix Super Markets, Inc. is located at 14641 Biscayne Boulevard, Miami, Florida, and within a Brownfield area; and

WHEREAS, Publix Super Markets, Inc., proposes to construct a new building. It has been an excellent corporate citizen to the State of Florida and all communities in which this and any other project is located; and

WHEREAS, Publix Super Markets, Inc., will create one hundred (100) new full time employment opportunities with an anticipated annualized average wage of \$19,531 and annualized average value of benefits associated with each new job created by the project in the amount of \$2,400; and

WHEREAS, Miami-Dade County acknowledges its local participation is optional; and

WHEREAS, the Board of County Commissioners of Miami-Dade County requests a waiver from the financial support requirement authorized under the Brownfield Redevelopment Bonus Refund Program pursuant to Section 288.107, Florida Statutes; and

WHEREAS, in Resolution No. R114-96, the Board made certain findings as to the importance of environmental remediation and established the Brownfield's Task Force to achieve that goal; and

WHEREAS, in areas of Miami-Dade County, certain former industrial sites with either real or perceived contamination problems remain abandoned for long periods of time, due primarily to substantial remediation costs; and

WHEREAS, sites left in this condition ("brownfields") often threaten the surrounding community and water supplies, become a blight to the neighborhoods, and represent a loss of property taxes,

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board hereby recommends Publix Super Markets, Inc., be approved under the Brownfield Redevelopment Bonus Program pursuant to Section 288.107, Florida Statutes.

BE IT FURTHER RESOLVED that Miami-Dade County is eligible for the local financial support exemption option authorized under the Brownfield Redevelopment Bonus Refund Program pursuant to Section 288.107, Florida Statutes, and will exercise that option.

The foregoing resolution was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

Dr. Barbara Carey-Shuler, Chairperson	
Katy Sorenson, Vice-Chairperson	
Bruno A. Barreiro	Jose "Pepe" Diaz
Betty T. Ferguson	Sally A. Heyman
Joe A. Martinez	Jimmy L. Morales
Dennis C. Moss	Dorrian D. Rolle
Natacha Seijas	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly passed and adopted this 16th day of March, 2004. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

HARVEY RUVIN, CLERK

Approved by County Attorney as _____
to form and legal sufficiency.

Shannon D. Summerset

By: _____
Deputy Clerk

Select Year: 2003

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The 2003 Florida StatutesTitle XIX
PUBLIC
BUSINESSChapter 288
COMMERCIAL DEVELOPMENT AND CAPITAL
IMPROVEMENTS[View Entire
Chapter](#)**288.107 Brownfield redevelopment bonus refunds.--****(1) DEFINITIONS.--As used in this section:**(a) "Account" means the Economic Development Incentives Account as authorized in s. [288.095](#).

(b) "Brownfield sites" means sites that are generally abandoned, idled, or underused industrial and commercial properties where expansion or redevelopment is complicated by actual or perceived environmental contamination.

(c) "Brownfield area" means a contiguous area of one or more brownfield sites, some of which may not be contaminated, and which has been designated by a local government by resolution. Such areas may include all or portions of community redevelopment areas, enterprise zones, empowerment zones, other such designated economically deprived communities and areas, and Environmental-Protection-Agency-designated brownfield pilot projects.

(d) "Director" means the director of the Office of Tourism, Trade, and Economic Development.

(e) "Eligible business" means:

1. A qualified target industry business as defined in s. [288.106\(1\)\(o\)](#); or

2. A business that can demonstrate a fixed capital investment of at least \$2 million in mixed-use business activities, including multiunit housing, commercial, retail, and industrial in brownfield areas and which provides benefits to its employees.

(f) "Jobs" means full-time equivalent positions, as that term is consistent with terms used by the Agency for Workforce Innovation for the purpose of unemployment compensation tax, resulting directly from a project in this state. The term does not include temporary construction jobs involved with the construction of facilities for the project and which are not associated with the implementation of the site rehabilitation as provided in s. [376.80](#).

(g) "Office" means the Office of Tourism, Trade, and Economic Development.

(h) "Project" means the creation of a new business or the expansion of an existing business as defined in s. [288.106](#).**(2) BROWNFIELD REDEVELOPMENT BONUS REFUND.--Bonus refunds shall be approved by the office as specified in the final order issued by the director and allowed from the account as follows:**(a) A bonus refund of \$2,500 shall be allowed to any qualified target industry business as defined by s. [288.106](#) for each new Florida job created in a brownfield area which is claimed on the qualified target industry business's annual refund claim authorized in s. [288.106\(5\)](#).

(b) A bonus refund of up to \$2,500 shall be allowed to any other eligible business as defined in subparagraph (1)(e)2. for each new Florida job created in a brownfield which is claimed under an

annual claim procedure similar to the annual refund claim authorized in s. 288.106(5). The amount of the refund shall be equal to 20 percent of the average annual wage for the jobs created.

(3) CRITERIA.--The minimum criteria for participation in the brownfield redevelopment bonus refund are:

(a) The creation of at least 10 new full-time permanent jobs. Such jobs shall not include construction or site rehabilitation jobs associated with the implementation of a brownfield site agreement as described in s. 376.80(5).

(b) The completion of a fixed capital investment of at least \$2 million in mixed-use business activities, including multiunit housing, commercial, retail, and industrial in brownfield areas, by an eligible business applying for a refund under paragraph (2)(b) which provides benefits to its employees.

(c) That the designation as a brownfield will diversify and strengthen the economy of the area surrounding the site.

(d) That the designation as a brownfield will promote capital investment in the area beyond that contemplated for the rehabilitation of the site.

(4) PAYMENT OF BROWNFIELD REDEVELOPMENT BONUS REFUNDS.--

(a) To be eligible to receive a bonus refund for new Florida jobs created in a brownfield, a business must have been certified as a qualified target industry business under s. 288.106 or eligible business as defined in paragraph (1)(e) and must have indicated on the qualified target industry tax refund application form submitted in accordance with s. 288.106(3) or other similar agreement for other eligible business as defined in paragraph (1)(e) that the project for which the application is submitted is or will be located in a brownfield and that the business is applying for certification as a qualified brownfield business under this section, and must have signed a qualified target industry tax refund agreement with the office which indicates that the business has been certified as a qualified target industry business located in a brownfield and specifies the schedule of brownfield redevelopment bonus refunds that the business may be eligible to receive in each fiscal year.

(b) To be considered to receive an eligible brownfield redevelopment bonus refund payment, the business meeting the requirements of paragraph (a) must submit a claim once each fiscal year on a claim form approved by the office which indicates the location of the brownfield, the address of the business facility's brownfield location, the name of the brownfield in which it is located, the number of jobs created, and the average wage of the jobs created by the business within the brownfield as defined in s. 288.106 or other eligible business as defined in paragraph (1)(e) and the administrative rules and policies for that section.

(c) The bonus refunds shall be available on the same schedule as the qualified target industry tax refund payments scheduled in the qualified target industry tax refund agreement authorized in s. 288.106 or other similar agreement for other eligible businesses as defined in paragraph (1)(e).

(d) After entering into a tax refund agreement as provided in s. 288.106 or other similar agreement for other eligible businesses as defined in paragraph (1)(e), an eligible business may receive brownfield redevelopment bonus refunds from the account pursuant to s. 288.106(2)(c).

(e) An eligible business that fraudulently claims a refund under this section:

1. Is liable for repayment of the amount of the refund to the account, plus a mandatory penalty in the amount of 200 percent of the tax refund, which shall be deposited into the General Revenue Fund.

2. Commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(f) The office shall review all applications submitted under s. 288.106 or other similar application forms for other eligible businesses as defined in paragraph (1)(e) which indicate that the proposed project will be located in a brownfield and determine, with the assistance of the Department of Environmental Protection, that the project location is within a brownfield as provided in this act.

(g) The office shall approve all claims for a brownfield redevelopment bonus refund payment that are found to meet the requirements of paragraphs (b) and (d).

(h) The director, with such assistance as may be required from the office and the Department of Environmental Protection, shall specify by written final order the amount of the brownfield redevelopment bonus refund that is authorized for the qualified target industry business for the fiscal year within 30 days after the date that the claim for the annual tax refund is received by the office.

(i) The total amount of the bonus refunds approved by the director under this section in any fiscal year must not exceed the total amount appropriated to the Economic Development Incentives Account for this purpose for the fiscal year. In the event that the Legislature does not appropriate an amount sufficient to satisfy projections by the office for brownfield redevelopment bonus refunds under this section in a fiscal year, the office shall, not later than July 15 of such year, determine the proportion of each brownfield redevelopment bonus refund claim which shall be paid by dividing the amount appropriated for tax refunds for the fiscal year by the projected total of brownfield redevelopment bonus refund claims for the fiscal year. The amount of each claim for a brownfield redevelopment bonus tax refund shall be multiplied by the resulting quotient. If, after the payment of all such refund claims, funds remain in the Economic Development Incentives Account for brownfield redevelopment tax refunds, the office shall recalculate the proportion for each refund claim and adjust the amount of each claim accordingly.

(j) Upon approval of the brownfield redevelopment bonus refund, payment shall be made for the amount specified in the final order. If the final order is appealed, payment may not be made for a refund to the qualified target industry business until the conclusion of all appeals of that order.

(5) ADMINISTRATION.--

(a) The office may verify information provided in any claim submitted for tax credits under this section with regard to employment and wage levels or the payment of the taxes to the appropriate agency or authority, including the Department of Revenue, the Agency for Workforce Innovation, or any local government or authority.

(b) To facilitate the process of monitoring and auditing applications made under this program, the office may provide a list of qualified target industry businesses to the Department of Revenue, to the Agency for Workforce Innovation, to the Department of Environmental Protection, or to any local government authority. The office may request the assistance of those entities with respect to monitoring the payment of the taxes listed in s. 288.106(2).

History.--s. 11, ch. 97-277; s. 8, ch. 98-75; s. 40, ch. 2000-210; s. 4, ch. 2000-317; s. 12, ch. 2002-294; s. 9, ch. 2003-36.

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Select Year: 2003

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The 2003 Florida StatutesTitle XIX
PUBLIC
BUSINESSChapter 288
COMMERCIAL DEVELOPMENT AND CAPITAL
IMPROVEMENTS[View Entire
Chapter](#)**288.106 Tax refund program for qualified target industry businesses.--**

(1) DEFINITIONS.--As used in this section:

(a) "Account" means the Economic Development Incentives Account within the Economic Development Trust Fund established under s. 288.095.

(b) "Average private sector wage in the area" means the statewide private sector average wage or the average of all private sector wages and salaries in the county or in the standard metropolitan area in which the business is located.

(c) "Business" means an employing unit, as defined in s. 443.036, which is registered for unemployment compensation purposes with the state agency providing unemployment tax collection services under contract with the Agency for Workforce Innovation through an interagency agreement pursuant to s. 443.1316, or a subcategory or division of an employing unit which is accepted by the state agency providing unemployment tax collection services as a reporting unit.

(d) "Corporate headquarters business" means an international, national, or regional headquarters office of a multinational or multistate business enterprise or national trade association, whether separate from or connected with other facilities used by such business.

(e) "Office" means the Office of Tourism, Trade, and Economic Development.

(f) "Enterprise zone" means an area designated as an enterprise zone pursuant to s. 290.0065.

(g) "Expansion of an existing business" means the expansion of an existing Florida business by or through additions to real and personal property, resulting in a net increase in employment of not less than 10 percent at such business.

(h) "Fiscal year" means the fiscal year of the state.

(i) "Jobs" means full-time equivalent positions, as that term is consistent with terms used by the Agency for Workforce Innovation and the United States Department of Labor for purposes of unemployment compensation tax administration and employment estimation, resulting directly from a project in this state. The term does not include temporary construction jobs involved with the construction of facilities for the project or any jobs previously included in any application for tax refunds under s. 288.1045 or this section.

(j) "Local financial support" means funding from local sources, public or private, which is paid to the Economic Development Trust Fund and which is equal to 20 percent of the annual tax refund for a qualified target industry business. A qualified target industry business may not provide, directly or indirectly, more than 5 percent of such funding in any fiscal year. The sources of such funding may not include, directly or indirectly, state funds appropriated from the General Revenue Fund or any state trust fund, excluding tax revenues shared with local governments pursuant to law.

(k) "Local financial support exemption option" means the option to exercise an exemption from the local financial support requirement available to any applicant whose project is located in a brownfield area or a county with a population of 75,000 or fewer or a county with a population of 100,000 or fewer which is contiguous to a county with a population of 75,000 or fewer. Any applicant that exercises this option shall not be eligible for more than 80 percent of the total tax refunds allowed such applicant under this section.

(l) "New business" means a business which heretofore did not exist in this state, first beginning operations on a site located in this state and clearly separate from any other commercial or industrial operations owned by the same business.

(m) "Project" means the creation of a new business or expansion of an existing business.

(n) "Director" means the Director of the Office of Tourism, Trade, and Economic Development.

(o) "Target industry business" means a corporate headquarters business or any business that is engaged in one of the target industries identified pursuant to the following criteria developed by the office in consultation with Enterprise Florida, Inc.:

1. Future growth.--Industry forecasts should indicate strong expectation for future growth in both employment and output, according to the most recent available data. Special consideration should be given to Florida's growing access to international markets or to replacing imports.

2. Stability.--The industry should not be subject to periodic layoffs, whether due to seasonality or sensitivity to volatile economic variables such as weather. The industry should also be relatively resistant to recession, so that the demand for products of this industry is not necessarily subject to decline during an economic downturn.

3. High wage.--The industry should pay relatively high wages compared to statewide or area averages.

4. Market and resource independent.--The location of industry businesses should not be dependent on Florida markets or resources as indicated by industry analysis. Special consideration should be given to the development of strong industrial clusters which include defense and homeland security businesses.

5. Industrial base diversification and strengthening.--The industry should contribute toward expanding or diversifying the state's or area's economic base, as indicated by analysis of employment and output shares compared to national and regional trends. Special consideration should be given to industries that strengthen regional economies by adding value to basic products or building regional industrial clusters as indicated by industry analysis.

6. Economic benefits.--The industry should have strong positive impacts on or benefits to the state and regional economies.

The office, in consultation with Enterprise Florida, Inc., shall develop a list of such target industries annually and submit such list as part of the final agency legislative budget request submitted pursuant to s. 216.023(1). A target industry business may not include any industry engaged in retail activities; any electrical utility company; any phosphate or other solid minerals severance, mining, or processing operation; any oil or gas exploration or production operation; or any firm subject to regulation by the Division of Hotels and Restaurants of the Department of Business and Professional Regulation.

(p) "Taxable year" means taxable year as defined in s. 220.03(1)(z).

(q) "Qualified target industry business" means a target industry business that has been approved by

the director to be eligible for tax refunds pursuant to this section.

(r) "Rural county" means a county with a population of 75,000 or fewer or a county with a population of 100,000 or fewer which is contiguous to a county with a population of 75,000 or fewer.

(s) "Rural city" means a city with a population of 10,000 or less, or a city with a population of greater than 10,000 but less than 20,000 which has been determined by the Office of Tourism, Trade, and Economic Development to have economic characteristics such as, but not limited to, a significant percentage of residents on public assistance, a significant percentage of residents with income below the poverty level, or a significant percentage of the city's employment base in agriculture-related industries.

(t) "Rural community" means:

1. A county with a population of 75,000 or less.
2. A county with a population of 100,000 or less that is contiguous to a county with a population of 75,000 or less.
3. A municipality within a county described in subparagraph 1. or subparagraph 2.

For purposes of this paragraph, population shall be determined in accordance with the most recent official estimate pursuant to s. 186.901.

(u) "Authorized local economic development agency" means any public or private entity, including those defined in s. 288.075, authorized by a county or municipality to promote the general business or industrial interests of that county or municipality.

(2) TAX REFUND; ELIGIBLE AMOUNTS.--

(a) There shall be allowed, from the account, a refund to a qualified target industry business for the amount of eligible taxes certified by the director which were paid by such business. The total amount of refunds for all fiscal years for each qualified target industry business must be determined pursuant to subsection (3). The annual amount of a refund to a qualified target industry business must be determined pursuant to subsection (5).

(b) Upon approval by the director, a qualified target industry business shall be allowed tax refund payments equal to \$3,000 times the number of jobs specified in the tax refund agreement under subparagraph (4)(a)1., or equal to \$6,000 times the number of jobs if the project is located in a rural county or an enterprise zone. Further, a qualified target industry business shall be allowed additional tax refund payments equal to \$1,000 times the number of jobs specified in the tax refund agreement under subparagraph (4)(a)1., if such jobs pay an annual average wage of at least 150 percent of the average private sector wage in the area, or equal to \$2,000 times the number of jobs if such jobs pay an annual average wage of at least 200 percent of the average private sector wage in the area. A qualified target industry business may not receive refund payments of more than 25 percent of the total tax refunds specified in the tax refund agreement under subparagraph (4)(a)1. in any fiscal year. Further, a qualified target industry business may not receive more than \$1.5 million in refunds under this section in any single fiscal year, or more than \$2.5 million in any single fiscal year if the project is located in an enterprise zone. A qualified target industry may not receive more than \$5 million in refund payments under this section in all fiscal years, or more than \$7.5 million if the project is located in an enterprise zone. Funds made available pursuant to this section may not be expended in connection with the relocation of a business from one community to another community in this state unless the Office of Tourism, Trade, and Economic Development determines that without such relocation the business will move outside this state or determines that the business has a compelling economic rationale for the relocation and that the relocation

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will create additional jobs.

(c) After entering into a tax refund agreement under subsection (4), a qualified target industry business may:

1. Receive refunds from the account for the following taxes due and paid by that business beginning with the first taxable year of the business which begins after entering into the agreement:

a. Corporate income taxes under chapter 220.

b. Insurance premium tax under s. 624.509.

2. Receive refunds from the account for the following taxes due and paid by that business after entering into the agreement:

a. Taxes on sales, use, and other transactions under chapter 212.

b. Intangible personal property taxes under chapter 199.

c. Emergency excise taxes under chapter 221.

d. Excise taxes on documents under chapter 201.

e. Ad valorem taxes paid, as defined in s. 220.03(1).

(d) However, a qualified target industry business may not receive a refund under this section for any amount of credit, refund, or exemption granted to that business for any of such taxes. If a refund for such taxes is provided by the office, which taxes are subsequently adjusted by the application of any credit, refund, or exemption granted to the qualified target industry business other than as provided in this section, the business shall reimburse the account for the amount of that credit, refund, or exemption. A qualified target industry business shall notify and tender payment to the office within 20 days after receiving any credit, refund, or exemption other than one provided in this section.

(e) A qualified target industry business that fraudulently claims a refund under this section:

1. Is liable for repayment of the amount of the refund to the account, plus a mandatory penalty in the amount of 200 percent of the tax refund which shall be deposited into the General Revenue Fund.

2. Is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3) APPLICATION AND APPROVAL PROCESS.--

(a) To apply for certification as a qualified target industry business under this section, the business must file an application with the office before the business has made the decision to locate a new business in this state or before the business had made the decision to expand an existing business in this state. The application shall include, but is not limited to, the following information:

1. The applicant's federal employer identification number and the applicant's state sales tax registration number.

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2. The permanent location of the applicant's facility in this state at which the project is or is to be located.
 3. A description of the type of business activity or product covered by the project, including four-digit SIC codes for all activities included in the project.
 4. The number of net new full-time equivalent Florida jobs at the qualified target industry business as of December 31 of each year included in the project and the average wage of those jobs. If more than one type of business activity or product is included in the project, the number of jobs and average wage for those jobs must be separately stated for each type of business activity or product.
 5. The total number of full-time equivalent employees employed by the applicant in this state.
 6. The anticipated commencement date of the project.
 7. A brief statement concerning the role that the tax refunds requested will play in the decision of the applicant to locate or expand in this state.
 8. An estimate of the proportion of the sales resulting from the project that will be made outside this state.
 9. A resolution adopted by the governing board of the county or municipality in which the project will be located, which resolution recommends that certain types of businesses be approved as a qualified target industry business and states that the commitments of local financial support necessary for the target industry business exist. In advance of the passage of such resolution, the office may also accept an official letter from an authorized local economic development agency that endorses the proposed target industry project and pledges that sources of local financial support for such project exist. For the purposes of making pledges of local financial support under this subsection, the authorized local economic development agency shall be officially designated by the passage of a one-time resolution by the local governing authority.
 10. Any additional information requested by the office.
- (b) To qualify for review by the office, the application of a target industry business must, at a minimum, establish the following to the satisfaction of the office:
1. The jobs proposed to be provided under the application, pursuant to subparagraph (a)4., must pay an estimated annual average wage equaling at least 115 percent of the average private sector wage in the area where the business is to be located or the statewide private sector average wage. The office may waive this average wage requirement at the request of the local governing body recommending the project and Enterprise Florida, Inc. The wage requirement may only be waived for a project located in a brownfield area designated under s. 376.80 or in a rural city or county or in an enterprise zone and only when the merits of the individual project or the specific circumstances in the community in relationship to the project warrant such action. If the local governing body and Enterprise Florida, Inc., make such a recommendation, it must be transmitted in writing and the specific justification for the waiver recommendation must be explained. If the director elects to waive the wage requirement, the waiver must be stated in writing and the reasons for granting the waiver must be explained.
 2. The target industry business's project must result in the creation of at least 10 jobs at such project and, if an expansion of an existing business, must result in a net increase in employment of not less than 10 percent at such business. Notwithstanding the definition of the term "expansion of an existing business" in paragraph (1)(g), at the request of the local governing body recommending the project and Enterprise Florida, Inc., the office may define an "expansion of an existing business" in a rural community or an enterprise zone as the expansion of a business resulting in a

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net increase in employment of less than 10 percent at such business if the merits of the individual project or the specific circumstances in the community in relationship to the project warrant such action. If the local governing body and Enterprise Florida, Inc., make such a request, it must be transmitted in writing and the specific justification for the request must be explained. If the director elects to grant such request, such election must be stated in writing and the reason for granting the request must be explained.

3. The business activity or product for the applicant's project is within an industry or industries that have been identified by the office to be high-value-added industries that contribute to the area and to the economic growth of the state and that produce a higher standard of living for citizens of this state in the new global economy or that can be shown to make an equivalent contribution to the area and state's economic progress. The director must approve requests to waive the wage requirement for brownfield areas designated under s. 376.80 unless it is demonstrated that such action is not in the public interest.

(c) Each application meeting the requirements of paragraph (b) must be submitted to the office for determination of eligibility. The office shall review and evaluate each application based on, but not limited to, the following criteria:

1. Expected contributions to the state strategic economic development plan adopted by Enterprise Florida, Inc., taking into account the long-term effects of the project and of the applicant on the state economy.

2. The economic benefit of the jobs created by the project in this state, taking into account the cost and average wage of each job created.

3. The amount of capital investment to be made by the applicant in this state.

4. The local commitment and support for the project.

5. The effect of the project on the local community, taking into account the unemployment rate for the county where the project will be located.

6. The effect of any tax refunds granted pursuant to this section on the viability of the project and the probability that the project will be undertaken in this state if such tax refunds are granted to the applicant, taking into account the expected long-term commitment of the applicant to economic growth and employment in this state.

7. The expected long-term commitment to this state resulting from the project.

8. A review of the business's past activities in this state or other states, including whether such business has been subjected to criminal or civil fines and penalties. Nothing in this subparagraph shall require the disclosure of confidential information.

(d) The office shall forward its written findings and evaluation concerning each application meeting the requirements of paragraph (b) to the director within 45 calendar days after receipt of a complete application. The office shall notify each target industry business when its application is complete, and of the time when the 45-day period begins. In its written report to the director, the office shall specifically address each of the factors specified in paragraph (c) and shall make a specific assessment with respect to the minimum requirements established in paragraph (b). The office shall include in its report projections of the tax refunds the business would be eligible to receive in each fiscal year based on the creation and maintenance of the net new Florida jobs specified in subparagraph (a)4. as of December 31 of the preceding state fiscal year.

(e)1. Within 30 days after receipt of the office's findings and evaluation, the director shall issue a letter of certification that either approves or disapproves the application of the target industry

business. The decision must be in writing and must provide the justifications for approval or disapproval.

2. If appropriate, the director shall enter into a written agreement with the qualified target industry business pursuant to subsection (4).

(f) The director may not certify any target industry business as a qualified target industry business if the value of tax refunds to be included in that letter of certification exceeds the available amount of authority to certify new businesses as determined in s. 288.095(3). However, if the commitments of local financial support represent less than 20 percent of the eligible tax refund payments, or to otherwise preserve the viability and fiscal integrity of the program, the director may certify a qualified target industry business to receive tax refund payments of less than the allowable amounts specified in paragraph (2)(b). A letter of certification that approves an application must specify the maximum amount of tax refund that will be available to the qualified industry business in each fiscal year and the total amount of tax refunds that will be available to the business for all fiscal years.

(g) Nothing in this section shall create a presumption that an applicant will receive any tax refunds under this section. However, the office may issue nonbinding opinion letters, upon the request of prospective applicants, as to the applicants' eligibility and the potential amount of refunds.

(4) TAX REFUND AGREEMENT.--

(a) Each qualified target industry business must enter into a written agreement with the office which specifies, at a minimum:

1. The total number of full-time equivalent jobs in this state that will be dedicated to the project, the average wage of those jobs, the definitions that will apply for measuring the achievement of these terms during the pendency of the agreement, and a time schedule or plan for when such jobs will be in place and active in this state.

2. The maximum amount of tax refunds which the qualified target industry business is eligible to receive on the project and the maximum amount of a tax refund that the qualified target industry business is eligible to receive for each fiscal year, based on the job creation and maintenance schedule specified in subparagraph 1.

3. That the office may review and verify the financial and personnel records of the qualified target industry business to ascertain whether that business is in compliance with this section.

4. The date by which, in each fiscal year, the qualified target industry business may file a claim under subsection (5) to be considered to receive a tax refund in the following fiscal year.

5. That local financial support will be annually available and will be paid to the account. The director may not enter into a written agreement with a qualified target industry business if the local financial support resolution is not passed by the local governing authority within 90 days after he or she has issued the letter of certification under subsection (3).

(b) Compliance with the terms and conditions of the agreement is a condition precedent for the receipt of a tax refund each year. The failure to comply with the terms and conditions of the tax refund agreement results in the loss of eligibility for receipt of all tax refunds previously authorized under this section and the revocation by the director of the certification of the business entity as a qualified target industry business, unless the business is eligible to receive and elects to accept a prorated refund under paragraph (5)(d) or the office grants the business an economic-stimulus exemption.

1. A qualified target industry business may submit, in writing, a request to the office for an

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economic-stimulus exemption. The request must provide quantitative evidence demonstrating how negative economic conditions in the business's industry, or specific acts of terrorism affecting the qualified target industry business, have prevented the business from complying with the terms and conditions of its tax refund agreement.

2. Upon receipt of a request under subparagraph 1., the director shall have 45 days to notify the requesting business, in writing, if its exemption has been granted or denied. In determining if an exemption should be granted, the director shall consider the extent to which negative economic conditions in the requesting business's industry, or specific acts of terrorism affecting the qualified target industry business, have prevented the business from complying with the terms and conditions of its tax refund agreement.

3. As a condition for receiving a prorated refund under paragraph (5)(d) or an economic-stimulus exemption under this paragraph, a qualified target industry business must agree to renegotiate its tax refund agreement with the office to, at a minimum, ensure that the terms of the agreement comply with current law and office procedures governing application for and award of tax refunds. Upon approving the award of a prorated refund or granting an economic-stimulus exemption, the office shall renegotiate the tax refund agreement with the business as required by this subparagraph. When amending the agreement of a business receiving an economic-stimulus exemption, the office may extend the duration of the agreement for a period not to exceed 1 year.

4. A qualified target industry business may submit a request for an economic-stimulus exemption to the office in lieu of any tax refund claim scheduled to be submitted after January 1, 2001, but before June 30, 2004.

5. A qualified target industry business that receives an economic-stimulus exemption may not receive a tax refund for the period covered by the exemption.

(c) The agreement must be signed by the director and by an authorized officer of the qualified target industry business within 120 days after the issuance of the letter of certification under subsection (3), but not before passage and receipt of the resolution of local financial support. The office may grant an extension of this period at the written request of the qualified target industry business.

(d) The agreement must contain the following legend, clearly printed on its face in bold type of not less than 10 points in size: "This agreement is neither a general obligation of the State of Florida, nor is it backed by the full faith and credit of the State of Florida. Payment of tax refunds are conditioned on and subject to specific annual appropriations by the Florida Legislature of moneys sufficient to pay amounts authorized in section 288.106, Florida Statutes."

(5) ANNUAL CLAIM FOR REFUND.--

(a) To be eligible to claim any scheduled tax refund, a qualified target industry business that has entered into a tax refund agreement with the office under subsection (4) must apply by January 31 of each fiscal year to the office for the tax refund scheduled to be paid from the appropriation for the fiscal year that begins on July 1 following the January 31 claims-submission date. The office may, upon written request, grant a 30-day extension of the filing date.

(b) The claim for refund by the qualified target industry business must include a copy of all receipts pertaining to the payment of taxes for which the refund is sought and data related to achievement of each performance item specified in the tax refund agreement. The amount requested as a tax refund may not exceed the amount specified for the relevant fiscal year in that agreement.

(c) A tax refund may not be approved for a qualified target industry business unless the required local financial support has been paid into the account for that refund. If the local financial support

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provided is less than 20 percent of the approved tax refund, the tax refund must be reduced. In no event may the tax refund exceed an amount that is equal to 5 times the amount of the local financial support received. Further, funding from local sources includes any tax abatement granted to that business under s. 196.1995 or the appraised market value of municipal or county land conveyed or provided at a discount to that business. The amount of any tax refund for such business approved under this section must be reduced by the amount of any such tax abatement granted or the value of the land granted; and the limitations in subsection (2) and paragraph (3)(f) must be reduced by the amount of any such tax abatement or the value of the land granted. A report listing all sources of the local financial support shall be provided to the office when such support is paid to the account.

(d) A prorated tax refund, less a 5-percent penalty, shall be approved for a qualified target industry business provided all other applicable requirements have been satisfied and the business proves to the satisfaction of the director that it has achieved at least 80 percent of its projected employment and that the average wage paid by the business is at least 90 percent of the average wage specified in the tax refund agreement, but in no case less than 115 percent of the average private sector wage in the area available at the time of certification, or 150 percent or 200 percent of the average private sector wage if the business requested the additional per-job tax refund authorized in paragraph (2)(b) for wages above those levels. The prorated tax refund shall be calculated by multiplying the tax refund amount for which the qualified target industry business would have been eligible, if all applicable requirements had been satisfied, by the percentage of the average employment specified in the tax refund agreement which was achieved, and by the percentage of the average wages specified in the tax refund agreement which was achieved.

(e) The director, with such assistance as may be required from the office, the Department of Revenue, or the Agency for Workforce Innovation, shall, by June 30 following the scheduled date for submission of the tax refund claim, specify by written order the approval or disapproval of the tax refund claim and, if approved, the amount of the tax refund that is authorized to be paid to the qualified target industry business for the annual tax refund. The office may grant an extension of this date on the request of the qualified target industry business for the purpose of filing additional information in support of the claim.

(f) The total amount of tax refund claims approved by the director under this section in any fiscal year must not exceed the amount authorized under s. 288.095(3).

(g) This section does not create a presumption that a tax refund claim will be approved and paid.

(h) Upon approval of the tax refund under paragraphs (c), (d), and (e), the Chief Financial Officer shall issue a warrant for the amount specified in the written order. If the written order is appealed, the Chief Financial Officer may not issue a warrant for a refund to the qualified target industry business until the conclusion of all appeals of that order.

(6) ADMINISTRATION.--

(a) The office is authorized to verify information provided in any claim submitted for tax credits under this section with regard to employment and wage levels or the payment of the taxes to the appropriate agency or authority, including the Department of Revenue, the Agency for Workforce Innovation, or any local government or authority.

(b) To facilitate the process of monitoring and auditing applications made under this program, the office may provide a list of qualified target industry businesses to the Department of Revenue, to the Agency for Workforce Innovation, or to any local government or authority. The office may request the assistance of those entities with respect to monitoring jobs, wages, and the payment of the taxes listed in subsection (2).

(c) Funds specifically appropriated for the tax refund program for qualified target industry

businesses may not be used for any purpose other than the payment of tax refunds authorized by this section.

(7) EXPIRATION.--This section expires June 30, 2004.

History.--s. 76, ch. 94-136; s. 44, ch. 96-320; s. 31, ch. 97-99; s. 19, ch. 97-278; s. 7, ch. 98-75; s. 26, ch. 99-251; s. 38, ch. 2000-210; s. 59, ch. 2001-61; s. 11, ch. 2002-294; s. 4, ch. 2002-392; s. 8, ch. 2003-36; s. 341, ch. 2003-261; s. 3, ch. 2003-270.

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RESOLUTION NO. R-114-96

RESOLUTION DIRECTING THE COUNTY MANAGER TO APPOINT A PUBLIC/PRIVATE TASK FORCE TO HELP DESIGN A BROWNFIELDS REMEDIATION PROGRAM FOR DADE COUNTY, AND AUTHORIZING THE COUNTY MANAGER TO APPLY FOR, RECEIVE AND EXPEND FUNDS FROM A GRANT FROM THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY TO FUND A PILOT BROWNFIELDS REMEDIATION PROGRAM

WHEREAS, in many areas of the country, including Dade County, certain former industrial sites with either real or perceived contamination problems remain abandoned for long periods of time, due partly to substantial remediation costs; and

WHEREAS, sites left in this condition ("brownfields") often threaten the surrounding community and water supplies, become a blight to the neighborhoods, and represent a loss of property taxes; and

WHEREAS, the United States Environmental Protection Agency ("EPA") has initiated a Brownfields Action Agenda to encourage redevelopment of contaminated property, with potential funding for 50 brownfields pilot programs to support creative exploration and demonstrations of brownfields solutions; and

WHEREAS, the two-year pilot programs, with funding up to \$200,000.00 each, are intended to provide information and strategies for a unified approach to identify, clean and reuse brownfields; and

WHEREAS, in Dade County, the Department of Environmental Resources Management ("DERM") has long been actively involved with the cleanup of thousands of contaminated properties, but due to the substantial costs associated with the cleanup of brownfields (sometimes exceeding the property value), some properties have nonetheless remained contaminated and unusable for long periods of time; and

WHEREAS, a pilot brownfields program for Dade County as envisioned herein would initiate a program to deal with such sites, by integrating the talents of public and private specialists to create economic and regulatory incentives to encourage the private sector to redevelop contaminated sites; and

WHEREAS, due to the time constraints imposed by EPA for funding such programs, the County Manager should be authorized to prepare and submit an application for EPA funding without further Board review, based on the input and recommendations of a public/private Brownfields Task Force appointed by the County Manager;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF DADE COUNTY, FLORIDA, that this Board hereby directs the County Manager to form a public/private task force to examine strategies to address brownfields in Dade County; and this Board further authorizes the County Manager to apply for,

receive and expend funds from the Brownfields Pilot Grant Program of the United States Environmental Protection Agency.

The foregoing resolution was sponsored by the Planning Environment Consumer Services and Arts Committee and was offered by Commissioner

Katy Sorenson

who moved its adoption. The motion was seconded by Commissioner

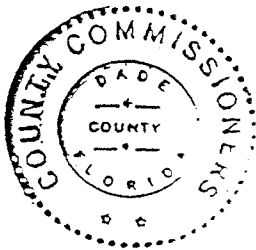
James Burke

and upon being put to a vote, the vote

was as follows:

James Burke	aye	Miguel Diaz de la Portilla	aye
Betty T. Ferguson	aye	Maurice A. Ferre	absent
Bruce Kaplan	aye	Gwen Margolis	aye
Natacha S. Millan	aye	Dennis C. Moss	aye
Alexander Penelas	aye	Pedro Reboredo	aye
Katy Sorenson	aye	Javier D. Souto	aye
Arthur E. Teele, Jr.	aye		

The Chairperson thereupon declared the resolution duly passed and adopted this 6th day of February, 1996.



DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: KAY SULLIVAN
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency. *JRC*

GENERAL PROJECT OVERVIEW

Publix Super Markets, Inc.

Name of Business

Biscayne Commons – Store #1017

Project Title (1- 5 word description)

FOR EFI USE ONLY	
Date Received	Date Completed
Project Number	

It is suggested that you contact Enterprise Florida at the below address to discuss your project and application **before** submitting a formal proposal

The completed and signed application must be filed with:

Enterprise
FLORIDA, Inc.

The Atrium Building, Suite 201 • 325 John Knox Road

Tallahassee, Florida 32303

850/488-6300 • Fax: 850/922-9595

<http://www.eflorida.com/>

RECEIVED

2004 JAN -7 AM 9:45

OFFICE OF THE
ECONOMIC

Employer Identification

BUSINESS INFORMATION:

1. a) Name of Business Unit: Publix Super Markets, Inc.
- b) Mailing Address: P.O. Box 32018, Lakeland, FL 33802
- c) Name of Parent Company (if applicable):
- d) Primary business unit contact:
Name: Robert Slate Title: Consultant
Company: Strategic Systems
Address: 905 Lotus Ln. S., Jacksonville, FL 32259
Phone: 904-230-8133 Fax: 904-230-8233
Email: robertslate@comcast.net Website: _____
- e) Business unit's federal employer identification number: 59-0324412
- f) Business unit's unemployment compensation identification number: 0027810-6
- g) Business unit's Florida sales tax registration number: not yet available
- h) List NAICS and SIC codes of all activities of the business unit: 445110 / 5410
Targeted Industry: retail - grocery
- i) Describe the business unit's primary business activities: retail - grocery
2. a) Is the business unit minority owned: _____ YES _____ X _____ NO
- b) If YES, explain: _____
3. Business unit's tax year (ex: Jan. 1 – Dec. 31): year ends last Saturday of calendar year

Project Identification/Information

4. a) Is the business unit a (please choose one):
☒ A new business unit to Florida
☐ An expansion of an existing Florida business unit
- b) If an expansion, how many Florida employees are currently in the expanding business unit^{1,2}? N/A
- c) How many individuals are employed in ALL Florida locations? 100,280

¹ Existing Florida employees cannot be included for consideration in certain incentive awards.

² Incentives may not be used in connection with any project that involves the relocation of jobs from one Florida community to another.

5. **Full project description:** _____
Construction of a 44,840 square-foot grocery store in North Miami Beach.

6. **Check the appropriate box and complete the line item:**
☐ **Project's current location address, if applicable:** 14641 Biscayne Blvd.,
North Miami Beach, FL 33181
☐ **Project's proposed location address, if different from above:** _____

7. a) **Located on Brownfield Site or in a Brownfield Area?** X YES NO
 (Please attach a copy of the official document that designated this area a brownfield area.)
 b) **Will project be locating or expanding in an Enterprise Zone?**
 YES x NO Which Zone: _____
 c) **Will project be locating in a designated rural area?**
 YES x NO Which designated rural area: _____
8. **County in which project is/will be located:** Miami / Dade

9. **Indicate the portion of the project (if any) that will be performing headquarters functions** 0 % **and check the box that best defines your project. Answer a) AND b):**
 a) ☐ Multistate business enterprise b) ☐ Regional headquarters office
☐ Multinational business enterprise ☐ National headquarters office
☐ International headquarters office
10. **Unless this is solely a designated headquarters project, please estimate percentage of gross receipts or final sales resulting from project that will be made outside of Florida:** 0 %
11. **Indicate the portion of the project (if any) that will be performing non-headquarters functions. Enter the industry description and code of each industry included in this project:**
- | <u>Business unit Activities</u> | | 5-6 digit
NAICS
Code | 4 digit
SIC
Code |
|---------------------------------|-------|----------------------------|------------------------|
| Retail - grocery | 100 % | 445110 | 5410 |
| _____ | % | _____ | _____ |
| _____ | % | _____ | _____ |
12. **List the 5-6 digit NAICS and 4 digit SIC code(s), estimated employment, and the *annualized* average wage (not including benefits) for activities included in the project:**
- | | | | | | |
|-----------|--------------------|-----------------|------------|-----------------|-----------------|
| NAICS/SIC | <u>445110/5410</u> | Est. Employment | <u>100</u> | Annualized Wage | <u>\$19,531</u> |
| NAICS/SIC | _____ | Est. Employment | _____ | Annualized Wage | \$ _____ |
| NAICS/SIC | _____ | Est. Employment | _____ | Annualized Wage | \$ _____ |

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13. a) ***Anticipated*** annualized average wage (not including benefits) of the new to Florida jobs created by the project at the business unit: \$19,531.00
(Cash performance bonuses and other cash payments to the employees, such as overtime, should be included. The anticipated wage reported here is only an estimate of the average wage to be paid. The wage indicated in response to an incentive attachment, if applicable, will be used in the certification, agreement, and claim evaluation process.)
- b) ***Annualized*** average value of ***benefits*** associated with each new job created by the project at the business unit: \$Group health benefit plan, group dental plan, group life insurance plan, 401(k), ESOP, long-term disability. Average value=\$2,400
14. a) Describe the capital investment in real and personal property (examples: construction of new facility; remodeling of facility; upgrading, replacing or buying new equipment. Do not include the value of land purchased for construction of a new building): Leasehold improvements and purchase of new equipment
- b) List the anticipated amount (within three (3) years) and type (purchase of machinery/equipment, construction of buildings, etc.) of major capital investment to be made by the applicant in connection with this Florida project:
- | | |
|----------------------------|--------------------------|
| Amount \$ <u>3,867,000</u> | Construction/Renovations |
| Amount \$ _____ | Manufacturing Equipment |
| Amount \$ <u>2,129,900</u> | Other Equipment |
- c) Estimated square feet of new or newly expanded facility: 44,840
15. Anticipated date of beginning of construction for this project: 1/1/2004
16. Anticipated date project will be in operation: 9/1/2004

Project Impact Information

17. What role will the incentive (or incentives) play in the decision of the applicant to locate or expand in this state? (If there are other states/communities competing for this project, please list which states/communities and what incentives are being offered by these states/communities.)

Publix chose this location based on market analysis and the numerous tax incentives available for this project, including Brownfields Area Incentives.

18. **Provide a brief synopsis on the special impacts the project is expected to stimulate in the community, the state or regional economy, focusing on economic conditions in the area, including the unemployment rate in the community where the project will be located.**

Publix is building this store in order to provide the local community with a clean, safe, and reliable place to shop for groceries and other daily needs. In addition to providing such a place to the community, the new Publix store will create many new jobs within the area it services, as well as enhance the community aesthetically.

19. a) **A brief review of the applicant's past activities in Florida and in other states, particularly as they relate to environmental and growth management impacts and how these have been handled. (Basically, what kind of corporate citizen has the applicant been?)**

Publix has had an energy conservation program since 1979. Publix is a member of the EPA Greenlights and Energy Star programs. Publix has a state of the art recycling program to divert wastes from the municipal solid waste stream. Publix also recycles about 26 items at our stores, distributions centers and manufacturing facilities, such as cardboard, stretch wrap, plastic and paper grocery bags, foam trays and egg cartons. Publix is also a premier sponsor for Keep Florida Beautiful and its annual Great America Clean-up campaign.

- b) **Any criminal or civil fines or penalties and any awards. (If yes, please explain)**

Publix has received the SWANA Hall of Fame designation for its waste reduction and recycling activities and the RFT Award for outstanding business recycling. Publix was also awarded the EPA Region 4 Environmental Merit Award in 2000.

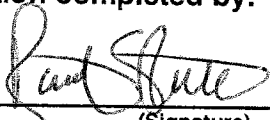
20. **You may request that your project information (including the information contained in this application) be confidential per F.S. 288.075, Confidentiality of Records.**

 X **YES, we Request Confidentiality**

 NO, we do not Request Confidentiality

******Be sure to attach proper incentive sheet(s)******

Application completed by:


(Signature)

Robert Slate Consultant
(Print or Type Name & Title)

Strategic Systems, Inc..
(Company)

904-230-8133
(Phone Number)

904-230-8233
(Fax Number)

(Date)

robertslate@comcast.net
(E-mail Address)


(Contact Person, if different)

(E-mail Address if different)

(Address if different)

(Phone if different)

To the best of my knowledge, the
information included in this application is
accurate.


(Signature of Authorized Officer)

David P. Phillips
(Print or Type Name of Authorized Officer)

CFO
(Print or Type Title of Authorized Officer)

Publix Super Markets, Inc.
(Company)

(863) 688-7407
(Phone Number)

(863) 616-5709
(Fax Number)

(Date)

(E-mail Address)

5. For purposes of certification, agreement, and claim review, indicate the wage to which you commit:
\$ \$29,872 FT; \$9,317 PT. (See number 2 on preceding page.)

6. Amount of "Local Financial Support" identified by local governing body
\$ waived;

Type of Support	Amount of Support
Cash	\$ _____
Ad Valorem Tax Abatement ¹	\$ _____
Land Grant by Local Governing Body ¹	\$ _____
Waived ¹	\$ 40,000

¹ Refund to the Business unit will be reduced by this amount.

(Attach the resolution adopted by the local governing body recommending the applicant be approved and indicating the level of local financial support that has been committed. Clearly indicate waivers requested and justification for such waiver.)

PLEASE BE SURE TO ATTACH TO THE GENERAL PROJECT OVERVIEW.

Signature of individual completing this portion
(If different from General Overview)

Date

Address (If Different)

Phone



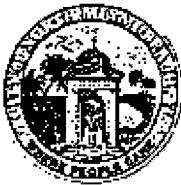
Signature of Authorized Officer

12/31/03

Date

David P. Phillips

Please print or type name of Authorized Officer



City of North Miami Beach, Florida

DEPARTMENT OF ECONOMIC DEVELOPMENT

RECEIVED 12/11/02

CLERK OF THE CITY

December 11, 2002

Secretary David B. Struhs
Florida Department of Environmental Protection
3900 Commonwealth Boulevard
Tallahassee, FL 32399-3000

RE: Brownfield Area Designation

Dear Secretary Struhs:

The City of North Miami Beach is hereby formally notifying the Florida Department of Environmental Protection that it has designated a brownfield area for rehabilitation for the purposes of the Brownfields Redevelopment Act, Ch. 376.77 - 376.85, Florida Statutes.

Enclosed is a certified copy of the resolution adopted by the Mayor and City Council designating the site, referred to as the Biscayne Commons Site, to which is attached a map accompanied by a detailed legal description of the parcels included in the brownfield area designation.

The identity of the "person responsible for brownfield site rehabilitation" pursuant to Ch. 376.80(2) - (3), Florida Statutes is as follows:

Biscayne Commons, LLC d/b/a Taubco
9700 Collins Avenue, #303
Bal Harbour, FL 33154

Should you require further information, please do not hesitate to contact me.

Sincerely,


Gary Wohlforth
Economic Development Director

CC: Gary Brown, City Manager
Howard Lenard, City Attorney
Kevan Klopp, Assistant City Manager
Biscayne Commons, LLC
Roger Register, FDEP Brownfields Liaison
Margaret Silva, Miami-Dade County DERM

RESOLUTION NO. R2002-59

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, MAKING CERTAIN FINDINGS; DESIGNATING REAL ESTATE PARCEL FOLIO NUMBERS: 07-2221-021-0010, 07-2221-021-0020, 07-2221-021-0030, 07-2221-021-0040, 07-2221-021-0050, 07-2221-021-0060, 07-2221-021-0070, 07-2221-021-0080, & 07-2221-021-0090 AS A BROWNFIELD AREA PURSUANT TO THE BROWNFIELDS REDEVELOPMENT ACT, FOR THE PURPOSES OF THEIR REHABILITATION AND REDEVELOPMENT AND TO FURTHER ECONOMIC DEVELOPMENT IN THE CITY GENERALLY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the State of Florida has provided, in Ch. 97-277, Laws of Florida, which is codified at Ch. 376.77 - 376.85, Florida Statutes, for the designation by resolution, including at the request of the person who owns or controls one or more real estate parcels, of a "brownfields area" comprised of such real estate parcels, to provide for their environmental remediation and redevelopment and to promote economic development and revitalization generally in the City of North Miami Beach, Florida (the "City"); and

WHEREAS, Biscayne Commons, LLC, a Florida limited liability company, d/b/a Taubco ("Taubco"), has requested that the City Council of the City of North Miami Beach, Florida designate as a "brownfield area" the nine (9) contiguous real estate parcels that it controls, which have Folio Numbers 07-2221-021-0010, 07-2221-021-0020, 07-2221-021-0030, 07-2221-021-0040, 07-2221-021-0050, 07-2221-021-0060, 07-2221-021-0070, 07-2221-021-0080, and 07-2221-021-0090, and which are depicted on Exhibit A with a detailed legal description of each in Exhibit B attached hereto (hereafter referred to as the "Biscayne Commons Site") that is incorporated herein by reference; and

WHEREAS, the City has reviewed the relevant criteria that apply in designating a "brownfield area," as specified in Ch. 376.80(2)(b), Florida Statutes, and has determined and finds that the real estate parcels that comprise the Biscayne Commons Site qualify for designation as a "brownfield area" because the following requirements of Ch. 376.80(2)(b), Florida Statutes, have been satisfied:

1. Taubco controls the real estate parcels that comprise the Biscayne Commons Site, which are proposed for designation, and has agreed to rehabilitate and redevelop them.
2. The rehabilitation and redevelopment of the Biscayne Commons Site will result in economic productivity in the area and the creation of at least ten (10) new permanent jobs (full-time or part-time) not associated with rehabilitation or redevelopment activities.

3. The redevelopment of the Biscayne Commons Site is consistent with the City's comprehensive plan and is a permissible use under the City's Zoning and Land Development Code.
4. Proper notice of the proposed rehabilitation of the Biscayne Commons Site has been provided to neighbors and nearby residents, and Taubco has provided those receiving notice the opportunity to provide comments and suggestions regarding rehabilitation.
5. Taubco has provided reasonable assurances that it has sufficient financial resources to implement and complete a rehabilitation agreement and redevelopment plan.

WHEREAS, applicant, Taubco, has induced the City to study the brownfield designation eligibility of its property and to affirmatively make said designation with the full understanding and agreement that any project brought forward for development on the designated "brownfield area" will undergo the City's full public site plan review and approval process and that the City will exercise the local financial support exemption option provided by §288.106, Florida Statutes.

WHEREAS, the City desires to notify the Florida Department of Environmental Protection of its resolution designating the Biscayne Commons Site a "brownfield area" to further its rehabilitation and redevelopment for purposes of Ch. 376.77 – 376.85, Florida Statutes;

WHEREAS, the City also desires to notify the Florida Department of Environmental Protection that Taubco is the "person responsible for brownfield site rehabilitation" for purposes of Ch. 376.77 – 376.85, Florida Statutes, pursuant to Ch. 376.80(1)-(3), Florida Statutes; and

WHEREAS, the applicable procedures set forth in Ch. 376.80 and 166.041, Florida Statutes, have been followed, and proper notice has been provided in accordance with Ch. 376.80(1) and 166.041(3)(c)2, Florida Statutes.

NOW, THEREFORE,

BE IT RESOLVED by the City Council of the City of North Miami Beach, Florida.

Section 1. The City Council of the City of North Miami Beach, Florida, finds the preamble, comprised of the "Whereas" clauses above, to be true and correct in their entirety.

Section 2. The City Council finds that Taubco and the Biscayne Commons Site satisfy the criteria set forth in Ch. 376.80(2)(b), Florida Statutes, that apply to the designation of a "brownfield area" requested by an individual, corporation, or partnership.

Section 3. The City Council designates the area depicted on Exhibit A, attached hereto and incorporated herein by reference, as a "brownfield area" for purposes of Ch. 376.77 – 376.85, Florida Statutes.

Section 4. The City Council identifies "Biscayne Commons, LLC d/b/a Taubco" as the "person responsible for brownfield site rehabilitation" pursuant to Ch. 376.80(2) -- (3), Florida Statutes.

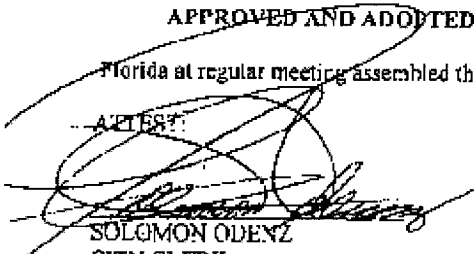
Section 5. The City Council hereby declares its intention to exercise the local financial support exemption option provided by Section 288.106, Florida Statutes, upon approval of any project to be developed in the designated brownfield area, said approval to be pursuant to the City's full public site plan review and approval process.

Section 6. The City Manager is hereby authorized to notify the Florida Department of Environmental Protection of the City Council's resolution designating the Biscayne Commons Site a "brownfield area" and that Taubco is the "person responsible for brownfield site rehabilitation," for purposes of Ch. 376.77 -- 376.85, Florida Statutes.


Section 7. This Resolution shall become effective immediately upon adoption.

APPROVED AND ADOPTED by the City Council of the City of North Miami Beach,
Florida at regular meeting assembled the 3rd day of December, 2002.

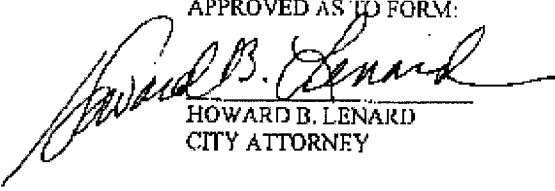
~~ATTEST:~~


SOLOMON ODENZ
CITY CLERK

(CITY SEAL)


JEFFREY A. MISHCON
MAYOR

APPROVED AS TO FORM:


HOWARD B. LENARD
CITY ATTORNEY

SPONSORED BY: Mayor and City Council

STATE OF FLORIDA
COUNTY OF MIAMI-DADE
CITY OF NORTH MIAMI BEACH:

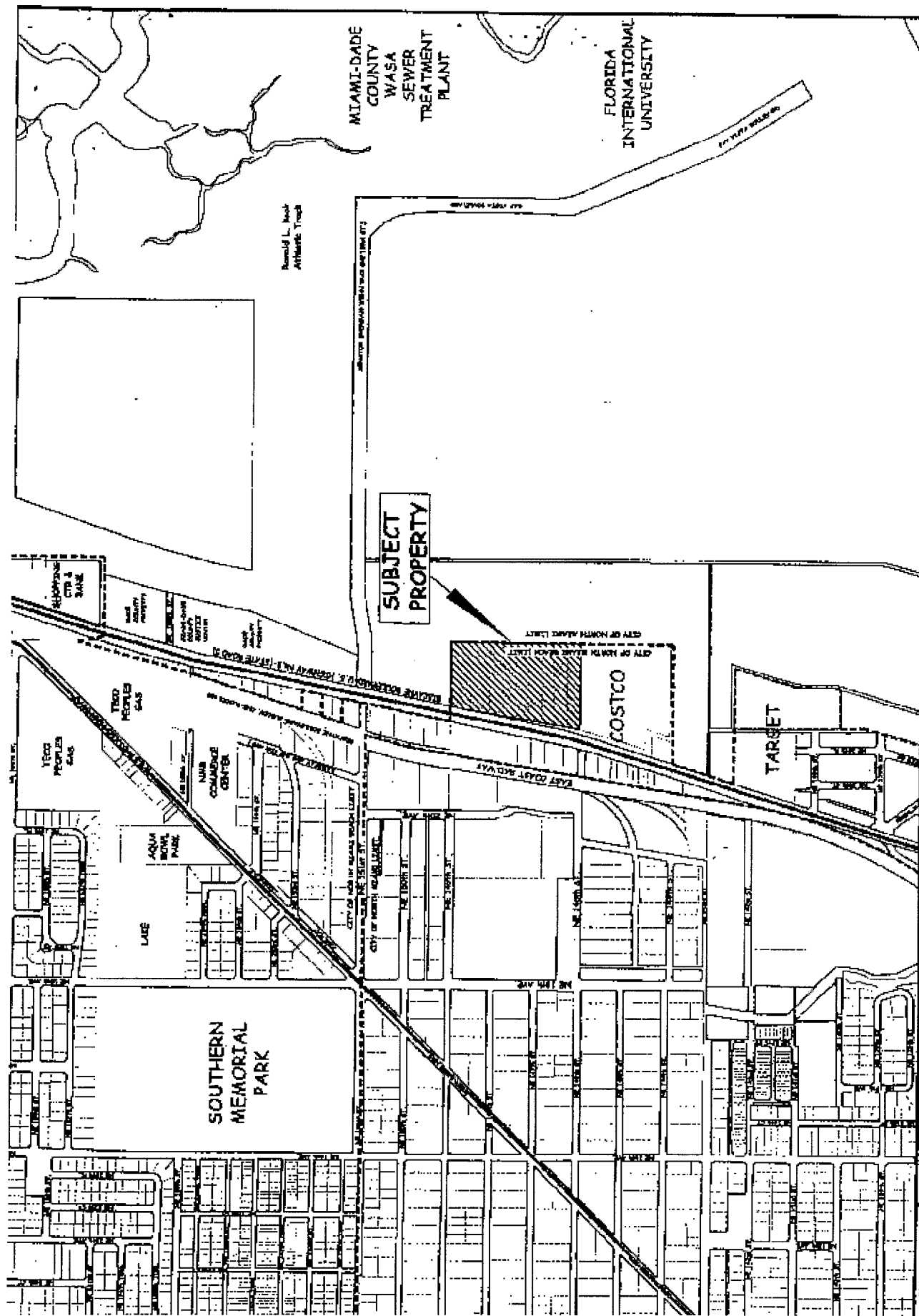
I, SOLOMON ODENZ, City Clerk of the City of North Miami Beach, do hereby certify that the attached and foregoing is a true and correct copy of the original thereof on file in this office.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal on this 1st day of December, A.D. 2002.

SOLOMON ODENZ
City Clerk of the City of North Miami Beach, Florida

By: 

City Clerk



PROPOSED BROWNFIELD SITE BISCAYNE COMMONS

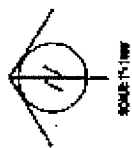


EXHIBIT A

EXHIBIT B

<u>Folio Number</u>	<u>Legal description</u>	<u>Folio Number</u>	<u>Legal Description</u>
07 2221 021 0010	PARGO SUB PB 105-59 LOT 1 BLK 1 LOT SIZE IRREGULAR OR 17473-0387 1296 3(15)	07 2221 021 0060	PARGO SUB PB 105-59 LOT 1 BLK 1 LOT SIZE IRREGULAR OR 17473-0387 1296 3(15)
07 2221 021 0020	PARGO SUB PB 105-59 LOT 2 BLK 1 LOT SIZE IRREGULAR OR 17473-0387 1296 3(15)	07 2221 021 0070	PARGO SUB PB 105-59 LOT 7 BLK 1 LOT SIZE IRREGULAR OR 17473-0387 1296 3(15)
07 2221 021 0030	PARGO SUB PB 105-59 LOT 3 BLK 1 LOT SIZE IRREGULAR OR 17473-0387 1296 3(15)	07 2221 021 0080	PARGO SUB PB 105-59 LOT 8 BLK 1 LOT SIZE IRREGULAR OR 17473-0387 1296 3(15)
07 2221 021 0040	PARGO SUB PB 105-59 LOT 4 BLK 1 LOT SIZE IRREGULAR OR 17473-0387 1296 3(15)	07 2221 021 0090	PARGO SUB PB 105-59 LOT 9 BLK 1 LOT SIZE IRREGULAR OR 17473-0387 1296 3(15)
07 2221 021 0050	PARGO SUB PB 105-59 LOT 5 BLK 1 LOT SIZE IRREGULAR OR 17473-0387 1296 3(15)		